

**CITY OF SOMERVILLE, MASSACHUSETTS
BOARD OF HEALTH AND MAYOR**

**ORDER REQUIRING COVID-19 VACCINATION FOR
INDOOR ENTERTAINMENT, RECREATION, DINING,
AND FITNESS SETTINGS IN THE CITY OF
SOMERVILLE**

The Somerville Board of Health and Mayor, pursuant to M.G.L. c. 111 §§ 31, 95, 104, 122, 310 CMR 11.05, 105, CMR 300.200 and all other authorizing statutes as well as the City of Somerville's declared State of Emergency relative to COVID-19 in the City of Somerville dated March 15, 2020, hereby enacts and declares as follows:

WHEREAS, there is clear evidence that COVID-19 continues to cause serious harm to the public health of the City of Somerville;

WHEREAS, as of January 6, 2022, MDPH reported that about 91.2% of the total Somerville resident population has received at least one vaccination dose and about 79.9% of the total Somerville resident population is fully vaccinated;

WHEREAS, as of January 6, 2022, MDPH reported that about 96.7% of the Somerville resident population over the age of 12 has received at least one vaccination dose and about 85.0% of the Somerville resident population over the age of 12 is fully vaccinated;

WHEREAS, as of January 6, 2022, the positive test rate in Somerville has reached 9.99%, up from a low of 0.11% reported by MDPH on June 24, 2021;

WHEREAS, vaccinated individuals are less likely to develop serious symptoms or spread COVID-19 to those near them, particularly in indoor settings where social distancing is not possible, where eating and drinking require the removal of face coverings, and where physical exercise and exertion are taking place;

WHEREAS, the intent of this Order is to prevent the spread of COVID-19 to the maximum extent possible. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent and immediate threat to public health.

THEREFORE, THE FOLLOWING PUBLIC HEALTH ORDER SHALL BE IN EFFECT FOR THE CITY OF SOMERVILLE, AS FOLLOWS:

1. A covered entity shall not permit a patron, full- or part-time employee, intern, volunteer, or on-site contractors to enter a covered premises without displaying proof of vaccination.

2. The following individuals are exempted from this Order, and therefore may enter a covered premises without displaying proof of vaccination, provided such individuals follow all other applicable regulations and orders:
 - a. Individuals entering for a quick and limited purpose (for example, using the restroom, placing or picking up an order or service, making a delivery, or performing necessary repairs);
 - b. A performing artist not regularly employed by the covered entity while they are in a covered premises for purposes of performing;
 - c. A professional athlete/sports team who enters a covered premises as part of their regular employment for purposes of competing; and
 - d. An individual accompanying a performing artist or professional athlete/sports team into a covered premises as part of their regular employment so long as the performing artist or professional athlete/sports team are performing or competing in the covered premises.
3. Each covered entity shall post a sign at the entrance. The sign must alert patrons to the vaccination requirement in this Order and inform them that employees and patrons are required to be vaccinated. The sign will be made available by the city.
4. For the purposes of this Order:
 - a. "Covered entity" means any entity that operates one or more covered premises, except that it shall not include pre-kindergarten through grade twelve (12) public and non-public schools and programs, childcare programs, senior centers, community centers, or as otherwise indicated by this Order.
 - b. "Covered premises" means any location, except a location in a residential or office building the use of which is limited to residents, owners, or tenants of that building, colleges or universities that have a vaccination requirement covering staff and students, or any other site that is otherwise not open to the general public, that is used for the following purposes:
 - i. Indoor Entertainment, Recreational, and Event Venues, including movie theaters, music or concert venues, commercial event and party venues, museums and galleries, professional sports arenas and indoor stadiums, convention centers and exhibition halls, performing arts theaters, bowling alleys, and other recreational centers;
 - ii. Indoor Food Services, including indoor portions of food service establishments offering food and drink, including restaurants, bars, and all indoor dining areas of food service establishments. The requirements of this Order shall not apply to any food service establishment offering food and/or drink exclusively for off-premises or outdoor consumption, or to a food service establishment providing charitable food services such as soup kitchens.
 - iii. Indoor Gyms and Fitness Settings, including commercial gyms, fitness, yoga/pilates/barre/dance studios, boxing/kickboxing gyms, fitness boot camps, indoor pools, and other facilities used for conducting group fitness

classes.

- c. "Indoor portion" means any part of a covered premises with a roof or overhang that is enclosed by at least three walls, except that the following will not be considered an indoor portion: (1) a structure on the sidewalk or roadway if it is entirely open on the side facing the sidewalk; and (2) an outdoor dining structure for individual parties, such as a plastic dome, if it has adequate ventilation to allow for air circulation.
- d. "Proof of vaccination" means proof of receipt of a COVID-19 vaccine authorized for emergency use or licensed for use by the U.S. Food and Drug Administration or authorized for emergency use by the World Health Organization, as required under the phased implementation of this Order. Such proof may be established by:
 - i. a CDC COVID-19 Vaccination Record Card;
 - ii. a digital image of the CDC card;
 - iii. or any other official immunization record from the jurisdiction, state, or country where the vaccine was administered;
 - iv. a digital or physical photo of such a card or record, reflecting the person's name, vaccine brand, and date administered;
 - v. a letter, digital image, or report from a health care provider, pharmacy, or vaccination site establishing proof of COVID-19 vaccination;
 - vi. or any vaccination verification smartphone application developed by the Commonwealth of Massachusetts, or developed or endorsed by the City of Somerville.
- 5. Each instance that a covered entity fails to check an individual's vaccination status shall constitute a separate violation of this Order.
- 6. This order shall take effect on the follow schedule:
 - a. **Phase I: January 24, 2022.** All individuals ages 12 and over shall be required to present proof of at least one dose of vaccination, in either a one-dose or two-dose series.
 - b. **Phase II: February 15, 2022.** All individuals ages 12 and over shall be required to present proof either one dose in a one-dose series or two doses in a two-dose series.
 - c. **Phase III: March 1, 2022.**
 - i. All individuals ages 12 and over shall be required to present proof of either one dose of a one-dose series or two doses in a two-dose series.
 - ii. All Individuals ages 5 to 11 shall be required to present proof of at least one dose of vaccination, in either a one-dose or two-dose series.
 - d. **Phase IV: May 1, 2022.** All individuals ages 5 to 11 shall be required to present proof of either one dose of a one-dose series or two doses in a two-dose series.

ENFORCEMENT

All reasonable efforts will be made to secure voluntary compliance with this Order. This Order is

enforceable by a fine of \$300.00, in the manner provided for non-criminal disposition of violations of municipal by-laws, ordinances, rules, or regulations, pursuant to G.L. c. 40, s. 21D and Somerville Code of Ordinances Section 1-11. The Health Department, Inspectional Services Division, and Police Department are authorized to enforce this Order.

Douglas Kress
Acting Agent of the Board of Health

Katjana Ballantyne
Mayor